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December 19, 2014

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: Cricelli, Inc.
FRN 0024063562
Rural Broadband Experiment Application
WC Docket No. 10-90
REQUEST FOR WAIVER

Dear Ms. Dortch:

On behalf of Cricelli, Inc. ("Cricelli"), attached hereto is Cricelli's Request for Waiver ("Waiver Request") of certain technology description requirements described in the Commission's *Report and Order* implementing the Rural Broadband Experiment program.¹ The Waiver Request is submitted in accordance with the procedures explained in the Commission's *Public Notice* provisionally selecting Cricelli's application for rural broadband experiment funding to provide fixed broadband services to designated census blocks in California.² The Waiver Request with the referenced attachments also is being submitted electronically as an attachment to Cricelli's Form 5620.

Please contact undersigned counsel to Cricelli if there are any questions concerning this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Stephen E. Coran', is written over a horizontal line. Below the signature, the name 'Stephen E. Coran' is printed in a serif font.

Stephen E. Coran

¹ See *Connect America Fund; ETC Annual Reports and Certifications*, WC Docket Nos. 10-90, 14-58, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769 (2014) ("*Report and Order*").

² See *Public Notice*, DA 14-1772 (rel. Dec. 5, 2014) ("*Public Notice*").

Cricelli, Inc.
Rural Broadband Experiment Application
Request for Waiver of Professional Engineer Certified Network Diagram

Cricelli, Inc. (“Cricelli”) hereby seeks a waiver of the requirement that winning bidders for rural broadband experiment funds provide a technology and system design, including a network diagram, certified by a Professional Engineer (PE). In lieu of the PE certified network diagram, required by the *Report and Order*¹ to be submitted by December 19, 2014, Cricelli is submitting a detailed network diagram, and an explanation of current and future networks in the technology description document. Accordingly, the Commission should find that Cricelli is technically qualified and approve its request for waiver.

Background

By *Public Notice* dated December 5, 2014, the Wireline Competition Bureau (“Bureau”) provisionally selected Cricelli’s application for Category One Rural Broadband Experiment funding.² Subject to submission of additional information and a final determination of Cricelli’s technical qualifications, Cricelli will receive funds for construction and operation of fixed broadband services to designated census blocks in California.

Antonio Cricelli, sole owner of Cricelli and Red Shift Internet Services (both in business for over 20 years), offers fixed broadband services to homes and businesses in the Monterey and Salinas areas of California. Both businesses operate within the project areas proposed in Cricelli’s rural broadband experiment application. Cricelli’s management is experienced in constructing, deploying, marketing and operating fixed broadband services. Going forward, and upon Commission approval, Cricelli plans to conduct rural broadband experiment operations through Red Shift Internet Services.

Technical Qualifications

In the *Report and Order* adopting requirements for the rural broadband experiment program, the Commission stated that winning bidders must “submit a description of the technology and system design used to deliver voice and broadband service, including a network diagram, which must be certified by a professional engineer.”³

At this time, due to Cricelli’s inability to find a PE who was familiar with the terrain issues common to the census blocks within our bid sectors, Cricelli does not have a technical and system design that has been certified by a PE. Accordingly, Cricelli is providing alternative evidence to justify its viable network diagram and its ability to meet the technical requirements.

Red Shift Internet Services and Cricelli have been successfully providing Internet services in the mountainous regions of Monterey County for over 20 years, 19 years of which

¹ *Connect America Fund; ETC Annual Reports and Certifications*, WC Docket Nos. 10-90, 14-58, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769 (2014) (“*Report and Order*”).

² See *Public Notice*, DA 14-1772 (rel. Dec. 5, 2014) (“*Public Notice*”).

³ *Report and Order* at 8786-87 (¶ 54). See also *Public Notice* at 2.

they were selected as “Best ISP in Monterey” by the residents of Monterey County, according to the Monterey Coast Weekly. In addition, the Monterey County Business Council selected Red Shift/Cricelli, Inc. as the “Business of the Year” in 2012.

The following is provided in support of this request.

The alternative documentation intended to show that Cricelli is a legitimate applicant that is capable of meeting the technical requirements is attached hereto. It includes Cricelli’s network diagram (Exhibit 1 hereto), a technology description (Exhibit 2 hereto), and Antonio Cricelli’s resume (Exhibit 3 hereto).

Exhibit 1, Network Diagram, depicts Cricelli’s current network solution to provide wireless services in support of the Rural Broadband Experiment. The diagram includes routers, towers, fiber and wireless networks that will be used to ensure compliance with program requirements.

Exhibit 2, Technology Description, explains the Network Diagram and describes how Cricelli plans to meet the program requirements with the rural broadband experiment funds.

Exhibit 3, Antonio Cricelli’s resume, details Mr. Cricelli’s level of expertise, graduate level engineering degree and experience in the Department of Defense as well as his ability to deliver broadband in bid areas 1, 2 and 3. It should be noted, Cricelli has been successfully conducting business in these bid areas for over 20 years. Its network already exists and works.

The public interest supports waiver of the requirement that Cricelli provide a “PE certified” network diagram. This requirement is intended to be an indicator that the winning bidder will be able to meet the requirements set forth in the *Report and Order* for the funded service area. Antonio Cricelli holds a Master’s Degree in Engineering and is considered a Subject Matter Expert within the Internet Services Provider (ISP) community. For over 20 years, Cricelli has successfully installed, both wired and wireless, internet services in and around Monterey County.

Upon being notified that it was provisionally selected for rural broadband experiment funding, Cricelli immediately tried to find a PE to provide the certification. Cricelli exhausted all eight of its engineering contacts and began searching the Internet and professional entities. Finally, legal counsel suggested an engineering firm in Colorado, who agreed to look at our diagram. Based on extreme terrain and a limited knowledge of local expertise, the Colorado PE declined to certify Cricelli’s network.

Given the significant steps that Cricelli has taken, it would contravene the public interest in expediting the provision of voice and broadband to underserved locations in the designated census blocks, if the Commission were to find Cricelli technically unqualified at this time. To the contrary, expeditiously granting the waiver request will facilitate Cricelli’s ability to move forward with its plans.

Finally, grant of the requested waiver would be consistent with prior holdings. For example, in *Armstrong Telephone Co.*, Commission staff reinstated and granted an application that did not strictly comply with Commission rules requiring cellular applicants to include a firm financial commitment in their applications.⁴ In upholding a Bureau decision, the Commission noted that “[t]he Bureau weighed the public interest concern of expeditiously providing service to the public against strict application of its rule and concluded it was *in the public interest* to grant the application.”⁵ Recently, the Commission granted a waiver of its former defaulter rule to encourage “*broad, robust participation* in Auction 97, while continuing to ensure that auction bidders are financially reliable.”⁶ The Commission also waived its attributable material relationship rules in light of “broader policy objectives” that included the participation of small entities in competitive bidding.⁷ These examples demonstrate that policy objectives such as the expeditious provision of service and increased participation by small businesses can override restrictive requirements related to an applicant’s qualifications. The Commission should apply these same principles here in considering and granting this Waiver Request.

Based on the foregoing, Cricelli respectfully submits that it has justified a waiver to provide the PE certification for technical and system design.

⁴ See *Armstrong Telephone Co.*, 3 FCC Rcd 1665 (1988).

⁵ *Id.* at 1666 (emphasis added).

⁶ See *Petition of DIRECTV Group, Inc. and EchoStar LLC for Expedited rulemaking to Amend Section 1.2105(a)(2)(xi) and 1.2106(a) of the Commission’s Rules and/or for Interim Conditional Waiver*, FCC 14-130 (rel. Aug. 29, 2014), at ¶ 21 (emphasis supplied).

⁷ See *Grain Management, LLC’s Request for Clarification or Waiver of Section 1.2110(b)(3)(iv)(A) of the Commission’s Rules*, FCC 14-103 (rel. July 23, 2014), at ¶ 14.